

REMARKS

In the Notice of Panel Decision from Pre-Appeal Brief Review dated February 28, 2011, addressed not only Applicants' pre-Appeal Brief arguments, but the outstanding petition filed July 23, 2009, seeking withdrawal of a restriction requirement for claim 6 - 19. The petition is understood to have resulted in claims 6 – 19 being reinstated. Claims 6 – 19 were indicated as allowed as part of the review conducted by the Pre-Appeal Brief conferees. Accordingly, Applicants hereby elect to cancel claims 1 – 5 without waiver or disclaimer to the subject matter of the canceled claims. Moreover, Applicants reserve the right to further prosecute the subject matter of claims 1 – 5 in a related application.

This amendment after final is being filed on/before the deadline for filing of an Appeal Brief and is, therefore, believed to be timely submitted. In view of the recent indication that claims 6 – 19 are allowed, Applicants respectfully request entry of the amendment above placing the application in condition for allowance, and withdrawal of the pending appeal. This amendment was not earlier submitted as it was only as of the panel decision on February 28, 2011 that claims 6 – 19 were indicated as allowed. Moreover, the amendment canceling the non-allowed claims is necessary to place the application in condition for allowance. Entry of the proposed amendment is respectfully requested.

As set forth in the amendments presented in the LISTING OF CLAIMS above, claims 1 – 5 are cancelled and allowed claims 6 – 19 remain as set forth in the response filed on March 26, 2009. Claims 6 – 19 were indicated as allowed by the Pre-Appeal Brief Panel.

Applicants respectfully submit that this response is being filed within the time period permitted for submission of the Appeal Brief and that no extension fees are due. However, in the event that additional fees are required as a result of this response, including fees for extensions of time, such fees should be charged to USPTO Deposit Account No. 24-0037 for Xerox Corporation.

In the event the Examiner considers personal contact advantageous to the timely disposition of this case, the Examiner is hereby authorized to call Applicant's attorney, Duane C. Basch, at Telephone Number (585) 899-3970, Penfield, New York.

Respectfully submitted,

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